



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 5, 1991

Ms. Jo Ann Wright
Attorney for Fort Worth I.S.D.
Chappell & Handy
1800 City Center Tower II
301 Commerce Street
Fort Worth, Texas 76102-4118

OR91-547

Dear Ms. Wright:

You previously asked whether information contained in attorney billing statements from your law firm to the Fort Worth Independent School District (the district) relating to your representation of the district in actions taken by or against a former district employee is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. In our response, OR91-349 (1991), we stated

To secure the protection of section 3(a)(3), a governmental body must demonstrate that the requested information relates to a pending or reasonably anticipated judicial or quasi-judicial proceeding. See Open Records Decision No. 588 (1991). You have not demonstrated to this office that the administrative proceedings to which you refer are still pending, whether any other legal proceedings regarding this matter are pending or reasonably anticipated, or how the information not protected by section 3(a)(7) "relates" to those proceedings. Absent such a showing to this office within 14 days of the date of this letter, we

will have no basis for determining that the information not otherwise protected as provided above comes under the protection of section 3(a)(3).

You responded to our request for additional information in a timely manner. Your most recent correspondence to this office was assigned ID# 13519.

In your response you state:

There is currently an appeal before the Commissioner of Education regarding [the former employee's] employment. This matter is still pending, in fact, final arguments have not yet been made in this case. Furthermore, there is an appeal pending before the Fort Worth Independent School District Board of Education regarding [the employee's] termination at the end of the year.

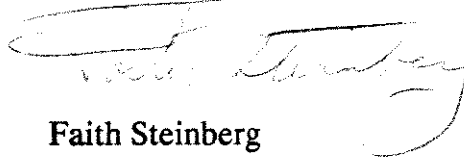
This office has confirmed that an appeal is pending before the Texas Education Agency regarding the former employee's employment. We note, however, that the amount of attorneys fees incurred by the district with regard to this matter is not an issue before either the TEA or the district Board of Education. Consequently, it cannot be said that the requested information, *i.e.* "any monies that might have been paid to [the district's attorneys]," relates to those hearings for purposes of section 3(a)(3); the amounts paid as attorneys fees must therefore be released.

On the other hand, after further consideration, we have determined that we need not address whether the itemized listings of legal services contained in the attorney billing statements may be withheld pursuant to section 3(a)(3) because the descriptions of the services provided do not come within the ambit of the open records request. Accordingly, the district has no responsibility to release those listings at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR91-547.

Yours very truly,



Faith Steinberg
Assistant Attorney General
Opinion Committee

FS/RWP/lcd

Ref.: ID# 13519
OR91-349

cc: Larry Shaw
UniServ Representative
Ft. Worth Classroom Teachers Ass'n.
6021 Westcreek Drive
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(w/o enclosures)